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Supreme Court Of the United States

October Term, 1954

NUMBER 2

HARRY BRIGGS, Jr., et al., Appellants,

v.

R. W. ELLIOTT et al.

Motion of Louis L. Brown and Robert W. Wesley for leave to file brief *Amicus Curiae* in the Supreme Court of the United States, *pro interesse suo*.

LOUIS L. BROWN
Fort Valley, Georgia
and
ROBERT W. WESLEY
Macon, Georgia
Attorneys at Law

SUPREME COURT OF THE UNITED STATES

FILE NUMBER_____

HARRY BRIGGS, Jr., et al.,
Appellants

v.

R. W. ELLIOTT et al. (No. 2.)

MOTION FOR LEAVE TO FILE BRIEF *AMICUS CURIAE*

We, the undersigned attorneys at law, move for leave to file a brief *amicus curiae*.

The nature of our interest, concisely stated, is as follows: *pro interesse suo*, to wit: a portion of the livelihood of the last one of us whose names are signed below, is derived from compensation received by his spouse as Principal of Pearl Stephens Elementary School, Macon, Georgia, operated by the Bibb County Board of Education, which functions under a charter granted by the Legislature of the State of Georgia on August 23, 1872. See Public Laws of Georgia for 1872. (This charter antedates the charter of the State Board of Education of Georgia.)

The fact given above is also set forth as evidence of intent with which the Fourteenth Amendment to the Constitution of the United States was adopted in the year 1868; and because of that fact, the way in which the Charter of the above-mentioned Board of Education of Bibb County, Georgia, was granted, and the circumstances under which it was granted, become relevant to the argument on Questions 4 and 5 previously propounded by your Honorable Court and requested to be reargued.

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The argument we desire to present in the brief *amicus curiae* is for an affirmative answer to Question 4 (b), with the related argument for a grant of discretion to duly constituted local authorities, in order to carry out the terms of such affirmative answer; and an argument for a similar answer to Question 5 (c) above. The brief *amicus curiae* also sets forth further argument on the importance of the moral issue involved, which we are of opinion becomes relevant to the fact of which your Most Honorable Court has taken cognizance, that local conditions are different.

SIGNED Louis L. Brown
Attorney at Law
ADDRESS Fort Valley, Georgia

SIGNED Robert W. Wesley
Attorney at Law
ADDRESS Macon, Georgia